

United States District Court, Northern District of Illinois

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| Name of Assigned Judge or Magistrate Judge | Amy J. St. Eve | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 08 C 706 | DATE | 4/25/2008 |
| CASE TITLE | Stevens vs. Cikanek | | |

DOCKET ENTRY TEXT

The Court strikes Joseph Steven's Memorandum of Law in support of his motion (R. 45) for failure to cite binding precedent. Joseph Steven's must re-file a brief citing Seventh Circuit precedent on or before May 18, 2008. If he so chooses, David Cikanek may file a response brief on or before May 25, 2008 (alternatively, Cikanek may rely on his current brief which does not cite any case law).

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

Joseph Stevens argues that Second Circuit precedent governs this action. The Court, however, will rely on precedent from the Seventh Circuit when dealing with issues of federal law. *See McMasters v. United States*, 260 F.3d 814, 819 (7th Cir. 2001) (holding that when a case is transferred under Section 1404(a), "the transferee court is usually free to decide federal issues in the manner it views as correct without deferring to the interpretation of the transferor circuit") (internal quotations and citations omitted); *In re Starlink Corn Prods. v. Aventis Cropscience United States Holding*, 211 F. Supp. 2d 1060, 1064 (N.D. Ill. 2002). Of course, with respect to state law issues, the Court applies the same law as the transferor court. *Starlink Corn Prods.*, 211 F. Supp. 2d at 1063 (citing *Van Dusen v. Barrack*, 376 U.S. 612, 11 L. Ed. 2d 945, 84 S. Ct. 805 (1964)). Here, the arbitration agreement contains a choice of law provision providing that New York law governs state law issues.

Because this case is now pending in a district court in the Seventh Circuit, the Court will rely on Seventh Circuit precedent when dealing with issues of federal law. As such, the Court strikes Joseph Steven's Memorandum of Law in support of his motion (R. 45) for failure to cite binding precedent. Joseph Steven's must re-file a brief citing Seventh Circuit precedent on or before May 18. If he so chooses, David Cikanek may file a response brief on or before May 25 (alternatively, Cikanek may rely on his current brief which does not cite any case law).

Courtroom Deputy
Initials:

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